

REMARKS

Claims 1-6 and 9-18 now pend in this case. To further the prosecution of this case, Applicants have amended claims 1-4, 6, 9-13, and 16-18. These claims were presented in the parent case in this format.

In the parent application, claims 1-6 and 9-18 were rejected as being obvious and thus unpatentable over United States Patent No. 6,463,317 B1 to Kucharczyk et al. in view of United States Patent No. 5,092,841 to Spears. Additionally, Claim 9 was rejected as being anticipated by United States Patent No. 5,921,954 to Mohr, Jr., et al.

Applicants respectfully request reconsideration of claims 1-6 and 9-18 as presently amended. In doing so, Applicants present the arguments originally presented in the Response to the Second Office action filed in the parent application.

The Rejection of Claim 9 as anticipated by Mohr

Claim 9 stands rejected as anticipated by Mohr and as obvious over Kucharczyk in view of Spears. Applicants will discuss the anticipation rejection in this section of the remarks.

Applicants traverse the rejection of claim 9 as anticipated by Mohr. Mohr treats aneurysms by delivering a collagen to the aneurysm site and then hardening the collagen with radio frequency energy. Mohr's device acts on collagen, not the aneurysm itself. He does not treat the aneurysm directly by creation of a mural thrombus.

To further the progress of the examination of this application, Applicants have chosen to amend claim 9 in spite of the traversal of the rejection. As amended, claim 9 recites that their apparatus delivers ultraviolet radiation directly to the surface of the aneurysm, which Mohr does not do, so as to cause the death of a sufficient number of the endothelial cells on the irradiated surface of the aneurysm such that the aneurysm forms a mural thrombus and thereby strengthens the aneurysm against rupture. The apparatus as claimed is not anticipated by Mohr and is allowable over it. Applicants respectfully request that the Examiner indicate the allowability of amended claim 9.

The Rejection of Claims 1-6 and 9-21 as obvious over Kucharczyk in view of Spears

Claims 1-6 and 9-21 stand rejected as obvious over Kucharczyk et al. in view of Spears.

Claims 1-6 and 9-18 are apparatus claims while claims 19-21 are method claims.

Applicants traverse the rejection of these claims on the basis of the cited, applied art.

Kucharczyk et al. does not treat aneurysms by causing necrosis of endothelial cells, nor is such a teaching implied therein. Kucharczyk et al. teaches deployment of an expandable material within an aneurysm which adheres to the interior surface of the aneurysm through use of a coating thereon. The present invention does not use any such expandable materials, but treats the aneurysm directly by irradiating the endothelial cells on the interior of the aneurysm with a radiation wavelength strongly absorbed by the cells' DNA so as to cause the death of the cells. This in turn results in the creation of a mural thrombus that thickens aneurysm wall and thus strengthens the aneurysm against rupture.

Spears, as noted previously, does not involve the treatment of aneurysms and is believed to be non-analogous art not combinable with Kucharczyk et al. There is not teaching apparent to the Applicants in Spears or Kucharczyk et al. that would suggest the combination of the two for the treatment of aneurysms by direct irradiation thereof. The combination is therefore not believed to be tenable to reject the pending claims.

To further the prosecution of this case, Applicants have amended the pending independent claims 1, 4, and 9 to recite that the apparatus causes cell death leading to the formation of a mural thrombus. Applicants have also amended claims 1-4, 9-13, and 16-18 to clarify them. As originally filed and as amended, Applicants submit that the pending claims recite an invention not known or obvious in view of the cited and applied art and that the claims are allowable. Applicants respectfully request that the Examiner indicate the allowability of pending claims 1-6 and 9-18.

Timeliness of This Response

The three month response date for the Office action was November 24, 2005. A one-month time extension would extend the time for filing a response until Saturday, December 24, 2005, which by rule is extended to Monday, December 26, 2005. Applicants request a one-month time extension and enclose a check in the amount of \$60.00 to cover the fee associated therewith. A separate request for time extension is enclosed herein. Should Applicants be in error, they request such time extension as

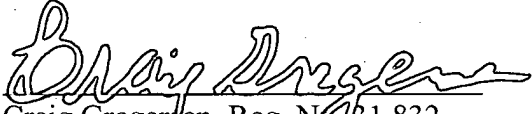
required to make this response timely and authorize the Office to charge Deposit Account 502417 for any fees associated therewith and to credit any overpayments thereto.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the allowance of pending claims 1- 6 and 9-18.

Respectfully Submitted,
Ali Jaafar
Victor I. Chornenky
Applicants

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Craig Gregersen, Reg. No. 31,832
Offices of Craig Gregersen
P.O. Box 386353
Bloomington, MN 55438
(952) 943-8680
craiggregersen@msn.com